

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELKA GOTFRYD,

Plaintiff,

-against-

CITY OF NEWBURGH, ALEXANDRA  
CHURCH, JOSEPH DONAT,

Defendants.  
----- X

Docket No. 21-CV-4009 (NSR)

**DECLARATION IN  
SUPPORT OF  
DEFENDANTS' MOTION  
FOR SUMMARY  
JUDGMENT**

STATE OF NEW YORK     )  
                                   )  
COUNTY OF SUFFOLK    )

LAUREN SCHNITZER, an attorney at law admitted to practice in the State of New York and a member of the Bar of the United States District Court for the Southern District of New York, declares under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am a partner in the law firm of Lamb & Barnosky, LLP, counsel to Defendants City of Newburgh, Alexandra Church and Joseph Donat.
2. I submit this declaration in support of Defendants' motion pursuant to Rule 56 of the Federal Rules of Civil Procedure for an order granting summary judgment dismissing Plaintiff's Complaint.
3. Attached hereto as Exhibit A is a copy of the Complaint.
4. Attached hereto as Exhibit B is a copy of the relevant excerpts from Plaintiff's deposition transcript.
5. Attached hereto as Exhibit C is a copy of the relevant excerpts from the deposition transcript of Defendant Alexandra Church.
6. Attached hereto as Exhibit D is a copy of the relevant excerpts from the deposition

transcript of Defendant Joseph Donat.

7. Attached hereto as Exhibit E is a copy of a Newburgh Housing and Development Report draft work plan, dated February 13, 2020.

8. Attached hereto as Exhibit F is a copy of an undated draft work plan document regarding a Newburgh Housing and Development Report.

9. Attached hereto as Exhibit G are emails exchanged between Plaintiff and Ms. Church on June 25, 2020 and June 29, 2020.

10. Attached hereto as Exhibit H is a copy of four emails exchanged between Plaintiff and Ms. Church dated July 13, 2020.

11. Attached hereto as Exhibit I is a copy of one email from Plaintiff to Ms. Church, dated July 14, 2020, and two emails exchanged between Plaintiff and Ms. Church, dated July 13, 2020.

12. Attached hereto as Exhibit J is a copy of an email from Erin Cousins to Ms. Church, dated June 8, 2020.

13. Attached hereto as Exhibit K is a copy of emails exchanged between Plaintiff and Ms. Church, dated June 8, 2020.

14. Attached hereto as Exhibit L is a copy of emails exchanged between Plaintiff and Ms. Church, dated August 10, 2020.

15. Attached hereto as Exhibit M is a copy of emails exchanged between Plaintiff, Ms. Cousins and Ms. Church, dated August 3, 4, 10 and 11, 2020.

16. Attached hereto as Exhibit N is a copy of emails exchanged between Ms. Church and Stanley Merritt, dated August 3, 2020.

17. Attached hereto as Exhibit O is a copy of an Employee Counseling Form and Corrective Action Plan, dated September 3, 2020.

18. Attached hereto as Exhibit P is a copy of correspondence from Plaintiff to Joseph Donat and Michelle Kelson, dated September 21, 2020.

19. Attached hereto as Exhibit Q is a copy of a Confidential Investigation Report, dated December 21, 2020.

20. Attached hereto as Exhibit R is a copy of emails from Plaintiff to Ms. Church, dated December 15, 2022 and December 22, 2022.

21. Attached hereto as Exhibit S is a copy of correspondence from Mr. Donat to Plaintiff, dated January 4, 2021.

22. Attached hereto as Exhibit T is a copy of correspondence from Plaintiff to Mr. Donat and Ms. Kelson, dated December 22, 2020.

23. Attached hereto as Exhibit U is a copy of a Confidential Investigation Report, dated January 28, 2021.

24. Attached hereto as Exhibit V is a copy of correspondence from Mr. Donat to Plaintiff, dated February 8, 2021.

25. Attached hereto as Exhibit W is a copy of an email from Ms. Church to Jeremy Kaufman, dated February 24, 2021.

26. Attached hereto as Exhibit X is a copy of emails exchanged between Ms. Church and Elizabeth Zeldin, dated February 24 and 26, 2021.

27. Attached hereto as Exhibit Y is a copy of a letter from Mr. Donat to Plaintiff dated March 9, 2021.

28. Attached hereto as Exhibit Z is a copy of the job posting for the position of Planner for the City of Newburgh and an excerpt of Plaintiff's response to the posting.

29. Attached hereto as Exhibit AA are Plaintiff's Timecard Reports and copies of various

correspondence regarding Plaintiff's time and attendance. *See* Ex. AA.

30. Attached hereto as Exhibit BB are memoranda dated February 7, 2020, March 18, 2020 and April 27, 2020.

31. Attached hereto as Exhibit CC is a copy of the relevant excerpts from the collective bargaining agreement between the City of Newburgh and the Civil Service Employees Association, effective from January 1, 2017 through December 31, 2021.

WHEREFORE, it is respectfully requested that the Court issue an order granting the Defendants summary judgment pursuant to Fed. R. Civ. P. 56 and dismissing the Complaint in its entirety and for whatever other and further relief as the Court deems to be just and proper.

Dated: Melville, New York  
January 20, 2023

/s/ Lauren Schnitzer  
Lauren Schnitzer